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Situation of human rights in Afghanistan

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly a brief interim report on the situation of human rights in Afghanistan prepared by Mr. Choong-Hyun Paik, Special Rapporteur of the Commission on Human Rights, in accordance with General Assembly resolution 52/145 of 12 December 1997 and Economic and Social Council decision 1998/267 of 30 July 1998.

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Annex

Interim report on the situation of human rights in Afghanistan submitted by the Special Rapporteur of the Commission on Human Rights in accordance with General Assembly resolution 52/145 and Economic and Social Council decision 1998/267

Contents

		Paragraphs	Page
I.	Introduction	1–3	3
II.	Memorandum	4	3
III.	Reply to the memorandum	5	8
IV.	Conclusions and recommendations	6–18	9
	A. Conclusions	6–8	9
	B. Recommendations	9–18	10

I. Introduction

1. A Special Rapporteur was first appointed to examine the human rights situation in Afghanistan in 1984 by the Chairman of the Commission on Human Rights, who had been requested to do so by the Economic and Social Council in its resolution 1984/37 of 24 May 1984. Since then, the mandate has been renewed regularly by resolutions of the Commission, endorsed by the Economic and Social Council, in which the Special Rapporteur was requested to submit reports to the Commission and to the General Assembly. The former are contained in documents E/CN.4/1985/21, E/CN.4/1986/24, E/CN.4/1987/22, E/CN.4/1988/25, E/CN.4/1989/24, E/CN.4/1990/25, E/CN.4/1991/31, E/CN.4/1992/33, E/CN.4/1993/42, E/CN.4/1994/53, E/CN.4/1995/64, E/CN.4/1996/64, E/CN.4/1997/59 and E/CN.4/1998/71 and the latter in the annexes to documents A/40/843, A/41/778, A/42/667 and Corr.1, A/43/742, A/44/669, A/45/664, A/46/606, A/47/656, A/48/584, A/49/650, A/50/567, A/51/481 and A/52/493. Mr. Choong-Hyun Paik was appointed Special Rapporteur on the situation of human rights in Afghanistan in April 1995.

2. In its resolution 1998/70 of 21 April 1998, the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for one year, an extension that was approved by the Economic and Social Council in its decision 1998/267 of 30 July 1998.

3. Owing to the security situation in the area at the time when the Special Rapporteur planned to carry out his visit, he was unable to travel to Afghanistan and Pakistan, as initially intended, prior to finalizing the present report. In view of the events that took place in northern Afghanistan in August 1998, in particular in the city of Mazar-I-Sharif, the Special Rapporteur endeavoured to obtain the most credible information possible from reliable sources on the events that took place there. He succeeded in doing so, and decided to draft a memorandum containing allegations of violations of human rights that he subsequently submitted to the representatives of the Taliban movement for comments and observations. Both the memorandum and the reply thereto are reproduced in full below.

II. Memorandum

4. The following is the memorandum drafted by the Special Rapporteur:

Allegations of violations of human rights

Mazar-I-Sharif

According to the information received from credible sources, after the takeover of Mazar-I-Sharif on 8 August 1998 by the Taliban and other forces allied with them, widespread killings and atrocities took place in the city. Particularly affected were the inherent right to life; the right to liberty and security of person; the right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment; the right to liberty of movement; the right to freedom of thought, conscience and religion; religious observance and worship; and the rights of ethnic, religious or linguistic minorities. The Hazara ethnic minority was principally targeted, although not exclusively.

On the first day of the takeover, Taliban forces carried out with machine guns widespread, random and indiscriminate killings without warning of anyone they saw moving on the streets, as well as people looking out their windows or in their doorways. Those killed included men, women, children and the elderly, regardless of their ethnic and religious

identity. Even such animals as donkeys, goats and sheep were killed. Since the streets were crowded with people going about their normal daily life, numerous shopkeepers, beggars and 35 boys selling soft drinks in the street were killed in this manner. One witness hid in a place with some 25 other civilians. All were seriously interrogated, and nine Hazaras were shot on the spot and thrown into a well. The words "killing frenzy" have been used often by witnesses in describing the killings referred to above. The streets were soon covered with dead bodies and blood. The arbitrary and indiscriminate killing and shooting lasted the whole first day. Bodies remained on the streets for between four days and one week before inhabitants were allowed to remove them. A number of combatants may have been killed on this occasion.

The 10 Iranian diplomats and a correspondent of the IRNA press agency were killed on the first day of the takeover of Mazar-I-Sharif, when Taliban forces and persons allied with them, including those described as "Punjabi Taliban", entered the Iranian Consulate. Their bodies remained in the building for two days before being buried in a mass grave in the compound of the Sultan Razia Girls' High School. The group which killed the Iranians was led by a person named Mullah Fazel Ahmed or Fazel Mohammed, a senior Taliban commander.

The second day after the arrival of the Taliban forces at Mazar-I-Sharif and the indiscriminate killing and shooting, loudspeakers and radio were used in the streets announcing that the population should inform the authorities of any Hazaras and weapons that were hidden. Taliban forces and the persons allied with them started to search systematically, house-to-house, for members of the Hazara ethnic minority in all neighbourhoods known to be inhabited by them. Most search groups consisted of a Taliban leader and five Balkh Pashtun informers who led them to specific houses. The search groups also looked for money and other valuables, which they then stole. They asked persons who were not Hazaras and whose houses were searched to point out houses inhabited by Hazaras. Some persons were forced to accompany the search groups and point out Hazara homes. One person was imprisoned for 20 days for trying to prevent the arrest of a Hazara civilian. The districts inhabited by Hazaras where the uprising against Taliban forces began in May 1997 were particularly targeted. All killings were seen as systematic, planned and very well organized.

Numerous summary executions were carried out in the worst-hit districts, and many other inhabitants were taken away. All areas of Mazar-I-Sharif inhabited by Hazaras were subjected to intensive searches. In some cases, if the search party saw that the person opening the door was a Hazara, they were shot on the spot. Hazaras were killed despite assurances by street representatives that they were civilians and had no political affiliations. In the Ilmarab neighbourhood, 170 persons, including women and children, were killed in a few hours; 230 bodies were buried at Budhky. Some of the persons who were killed were shot three times (twice in the head and once in the chest, or, once in the head, once in the chest and once in the groin) and then had their throats slit in the halal manner.

When the Taliban arrived in the Saidabad neighbourhood on the third day after their takeover of Mazar-I-Sharif, they gave the inhabitants 20 minutes to bring their weapons to the nearest mosque. In Saidabad and Dasht-I-Shor, the Taliban forces shot all Hazaras, including women, children and old men. Witnesses stated that there were more than 100 corpses between Saidabad junction and the prison, and many others in the side streets. Shooting was heard for a number of days, and many bodies were left unburied in the houses. Many other dead bodies were lying in the street, and walls were stained with blood. A number of women and girls were raped and abducted in the Saidabad and Alichopan

neighbourhoods, mostly by the Balkh Taliban, but this form of violence against women was not widespread.

An Uzbek woman from Darwaz-I-Shadyan neighbourhood saw her son killed before her eyes because the Taliban thought he was a Hazara. A Hazara man from the same neighbourhood who tried to flee was killed by the Taliban with a bayonet driven through his head, face and eyes. A candy maker in the same neighbourhood was killed in his house together with 12 family members, including women, children and old men. Those who killed them spoke Kandahari Pashtu and Urdu, and were not able to speak Persian well. A vegetable seller in Mandai neighbourhood was killed by being beaten on the head with a stick. Many witnesses stated that the Taliban knew exactly where to go and even knew which houses were owned by Hazaras. Empty Hazara houses, whose occupants had fled, were arrested or had been killed, were marked with a stick and a white flag as belonging to the Taliban. It is estimated that there were thousands of such houses. Persons who tried to enter them were arrested or shot.

Houses belonging to persons who were not Hazaras located near neighbourhoods inhabited by members of the Hazara ethnic minority were also searched for Hazaras and weapons. All male Hazaras were arrested during the first two days. The persons picking up Hazaras randomly on the streets were said to be Balkh Pashtuns formerly affiliated with the Hezb-I-Islami party. Taliban forces still continue to look for young male Hazaras possessing weapons and who may have been affiliated with the Hezb-I-Wahadat political party. One way of determining who was a Hazara and a Shia Moslem was to ask them how many verses of the Qur'an they recited during prayers. Those giving the answer that would correspond to Shias were arrested on the spot.

It is estimated that approximately 3,000 Hazaras were executed summarily, in their homes or in the street, during the first six days after the Taliban takeover of Mazar-I-Sharif on 8 August 1998. The persons arrested and/or killed were mostly men and boys, if they looked old enough to fight. Some 700 persons who had been arrested are said to have been killed at Dasht-I-Hairatan. It is estimated that a very large number of opposition fighters, possibly as much as 3,000, who had just arrived at Mazar-I-Sharif, were trapped in Zeinabad district and were more or less wiped out. Witnesses stated that the Taliban had issued instructions that the bodies of the Hezb-I-Wahadat fighters from Bamyan province and of other Hazaras should be left on the streets until they were attacked by animals. The estimated number of persons killed in the city of Mazar-I-Sharif is approximately 4,000 to 5,000. The number of military casualties was thought to be similar. The estimated total number of killings so far ranges between 5,000 and 8,000.

A group of between 200 and 250 Hazara men who had been arrested by the Taliban forces were taken to the grave of the Hezb-I-Wahadat leader Mazari and killed there. Mazari's grave was subsequently destroyed by the Taliban. In addition, some 300 persons are estimated to have been killed in the Sultan Razia High School. The "Mazari" camp for internally displaced persons from Kabul was blown up twice by the Taliban forces after 250 persons were killed there.

Male Hazaras who were not killed immediately in their houses with members of their families were taken away. Numerous prisoners belonging to the Hazara ethnic minority were placed in metal containers that were left in the sunshine during the day and subsequently taken to Shebergan at dusk. Some were badly beaten before being placed in containers. Most persons thus exposed inside containers suffocated. The number of containers heading towards Shebergan varied. It is estimated that 10 to 12 containers filled with Hazaras were taken to Shebergan during the first six days after 8 August 1998. Each container was filled with 110 to 130 prisoners. Witnesses saw containers opened with all men in them dead from

suffocation. In others, only 10 or 20 persons remained alive. One witness saw the opening of three containers carrying 120 persons, of whom only three had survived the trip to Shebergan. Plastic-covered lorries were used to transport prisoners from Mazar-I-Sharif to Shebergan. Many, possibly several thousand persons, were brought to Hairatan and Shebergan for investigation, and most are believed to have been killed. Persons unable to speak at least a little of the Pashto language were thought to be unlikely to survive an interrogation. One witness was tortured and his fingernails torn out. Some containers were filled with children (boys and girls), who were taken to an unknown destination after their parents had been killed.

Mass killings took place during the first two weeks after the takeover of Mazar-I-Sharif by the Taliban forces. Subsequently, only persons denounced to the Taliban by members of the local Pashtun community were detained or killed. A number of locations outside Mazar-I-Sharif were used for killing prisoners, who were buried in several mass graves. The existence of mass graves where Hazaras from Mazar-I-Sharif were buried after being executed or killed by the Taliban forces was reported in the desert area of Dasht-I-Laili, located between the cities of Shebergan and Maimana, 130 kilometres west of Mazar-I-Sharif, the site of an alleged massacre of Taliban prisoners of war in 1997. One witness who was not a Hazara and who went to look for his son in Mazar-I-Sharif prison was told that he had been transferred to Shebergan. In Shebergan, he was told that he should look for his son in Dasht-I-Laili. When he arrived, he saw thousands of corpses there, including that of his son, whose throat had been slit. The killings at Dasht-I-Laili may have continued.

Early in the morning on 9 August 1998, lorries were parked in front of Shia mosques, and all those coming out were placed in them and taken to the prison. In the Karte Ariana neighbourhood of Mazar-I-Sharif, men were told to go to the mosque and pray. When they came out, all 150 of them were put in containers and taken to an unknown destination. Shias and Hazaras were told that they should pray the same way as Sunni Moslems if they wanted to stay in Mazar-I-Sharif and survive. The loudspeakers of all mosques were used to call on the surviving members of the Shia Moslem community at Mazar-I-Sharif to convert to Sunni Islam and to attend prayers five times a day, for their own sake, "unless they wanted to be treated like dogs and shot on the spot". The Governor of Mazar-I-Sharif appointed by the Taliban, Maulavi Niazi, is said to have announced that Hazaras should stop following the religion of the Islamic Republic of Iran and that they should become true Moslems. Mullah Niazi announced that "Hazaras can live with us. They have three choices: they can become Sunni, they can go to the Islamic Republic of Iran, or they can be killed." Mullah Niazi's announcement broadcast from a mosque in Kocha Istalifi village stated that Hazaras should become proper Moslems of pay (or *bawj*, a payment to be made by non-Moslems) or leave Afghanistan. The following message was broadcast during a sermon from the central mosque at Mazar-I-Sharif: "If Iranians do not believe in the 12 verses of the Qur'an, if anyone does not believe in even one of the verses in the Qur'an, they will be deemed unbelievers. They are liable to be killed." Witnesses stated that the term "Iranians" was clearly meant to depict all Shia Moslems and not Iranian nationals. Mullah Niazi also mentioned the killings of May 1997, and made an explicit link, blaming Hazaras for killing the Taliban. People were being forced to recite a particular Sunni poem. Some Hazaras have been seen going to Sunni mosques. In addition, it was announced from the mosques that anyone who sheltered a Hazara will face the same fate as the Hazara.

It has been indicated that the Taliban leader, Amir Mohammad Omar, had issued a fatwa (religious ruling) stating that the killing of Shia Moslems is not a crime because they are *kafirs* (non-believers).

Many people were arrested and detained initially, regardless of their ethnic origin. In prison, prisoners were segregated according to their ethnic group. Hazaras were separated from the rest and placed in the "political" section. This was done by Taliban from Kandahar, who could easily be identified by their clothes and way of speaking. Pashtuns were released. Tajiks and Uzbeks were released upon issuance of a letter from the Governor's office. Detainees were beaten with cables in order to admit possessing weapons or to disclose where weapons were kept. At least one person was beaten to death by a cable. Other prisoners were beaten in front of the corpse. The number of prisoners increased on a daily basis, soon reaching approximately 3,000. Two or three 40-foot lorries transported Hazara prisoners towards Shebergan every day, and many subsequently to Dasht-I-Laili. One week after the takeover of Mazar-I-Sharif by the Taliban forces, crowds gathered in front of the prison asking for the release of their relatives. If the relatives were not in the prison, they were told by the Taliban to look for them at Shebergan, and if they were not there at Dasht-I-Laili.

In another area of northern Afghanistan under Taliban control, one 10-year-old and one 12-year-old boy were killed by being hit on the head with rifle butts and then shot. Their mother, who pleaded with the fighters, was also killed by being hit on the head with rifle butts. The surviving family members were not allowed to bury their dead relatives. The Taliban then looted the house and took all valuables.

The houses of persons belonging to other ethnic minorities were targeted individually. Houses of known military commanders belonging to other ethnic minorities (Tajik, Uzbek) were searched, and some of the men were arrested and detained. Most were being transferred to Shebergan. Otherwise, Tajiks and Uzbeks were only arrested if the Taliban suspected them of something. According to witnesses, people were also picked up for such reasons as not greeting a Talib.

For several days, Taliban forces prevented the inhabitants of Mazar-I-Sharif from leaving the city. Numerous checkpoints were set up, and vehicles and luggage were searched thoroughly. The Taliban manning these check posts were looking for and asking about military commanders. Hazaras were taken out of the vehicles and shot or taken away. Taliban manning certain checkpoints used sticks with wax at one end which they pushed up the sleeves of suspicious persons to check if men had underarm hair, which they are against, in order to identify them more easily. Checkpoints were not only set up in and around the city but in all areas under the control of the Taliban forces. A Taliban at one such checkpoint stated that Hazaras would invariably end up being killed. In addition, roads into the city and roads leading to Tajikistan were blocked. It is estimated that some 10,000 to 12,000 people fled Mazar-I-Sharif on 8 August 1998. Once a column of persons fleeing the city had reached the desert to the south of Mazar-I-Sharif, they were bombed by a Taliban fighter jet, fired on by multiple rocket launchers from within the city and chased by fast pick-up vehicles. This group may have included some combatants. The road was so packed with cars and people that vehicles drove over the bodies of persons killed during the bombing raids. After that, no movement outside the city was possible during two weeks.

Hazara property was also looted on the roads by local commanders affiliated with the Taliban, who claimed that they had the right to do so since Hazaras were not Moslems but infidels. Hazara men stopped by the Taliban at checkpoints in various parts of the country were on occasion beaten with cables. The situation was worst around Mazar-I-Sharif. When a doll was found in the luggage of one family, the Taliban called them Buddhists and infidels, and shouted that Hazaras and Shia Moslems were non-believers and should go to the Islamic Republic of Iran, China or Mongolia. The men were beaten with steel cables. Hazara men who were arrested at checkpoints and brought to the security office at Kandahar survived on a single piece of bread each day, and were severely beaten at night. Their necks

were chained, and their feet and hands tied together with chains while they were beaten. At the Taliban checkpost near the Pakistani border, men have been arrested and beaten for two hours. The Taliban stated clearly that they would not allow any Hazaras from Mazar-I-Sharif or Bamyan to cross into Pakistan. Many Hazara families who managed to cross the border often did so without their male members. For example, two men who happened to be travelling with a woman not related to them who had a photograph were arrested near the border. The Taliban are approaching Hazaras who managed to cross into Pakistan and offering to facilitate the release of their relatives for large sums of money. Some 2,000 Hazaras who were caught by the Taliban trying to leave Afghanistan are currently detained by the Taliban at Jalalabad.

Property belonging to Hazaras was looted and their land distributed to Pashtuns. The Taliban announced that in areas inhabited by Hazaras and Pashtuns, Hazara land should be distributed to Pashtun nomads.

The premises of international aid agencies at Mazar-I-Sharif were broken into and looted as well. In addition, Taliban search groups led by Balkh Pashtuns were taken to the homes of aid agency personnel for the purpose of looting and searching for money. Radio equipment and vehicles continue to be confiscated.

Bamyan province and surrounding areas

In the Sheikh Ali and Ali Khan districts in the Ghorband Valley, more than 1,000 villagers were massacred, including men, women and children. Bodies were lying on the streets, some directly in front of their houses, which would imply that they had been called out by the Taliban and then shot dead. The pattern of the killings observed showed that men, women and male children were shot, while baby girls were kicked or beaten to death. Similar killings took place in the Inkal and Lolem Shah districts.

Other accounts speak of the massacre of some 800 persons, mostly civilians, in the Hazarajat region on 13 or 14 September 1998.

According to some accounts, an elderly Pashtun woman had hidden 25 Hazara women and children in her basement. One day, a Talib in the market noticed that she was buying a large quantity of bread and followed her to her home. He killed the Pashtun woman first and then all of the Hazara women and children in her basement.

It is estimated that there are some 5,000 internally displaced families from Mazar-I-Sharif, Bamyan province and the south Hazarajat region. Some 2,000 among them are believed to be lacking food.

III. Reply to the memorandum

5. By note verbale dated 21 October 1998, the Embassy of the Islamic Emirate of Afghanistan at Islamabad transmitted an unofficial translation of a note issued by the Leadership of the Islamic Emirate of Afghanistan on human rights at Mazar-I-Sharif, in reply to the Special Rapporteur's memorandum, which read as follows:

A brief look at the imaginary report on the situation of human rights at Mazar-I-Sharif prepared by Choong-Hyun Paik

It seems that the author has travelled before to Afghanistan; however, instead of knowing the country he has tried to know the opponents well. This is because if an Afghan tries to read his report, suddenly he will find out that the author is going in the wrong direction. He inspires those who act contrary to the wish of human rights, and according to his claims these wrongdoers are totally dedicated to human rights and have performed extraordinary services in this respect.

It is emphasized that if the judgement is made on this report by some impartial, realistic and acknowledged individual, then right away the conclusion is drawn that he has not verified a single point of what he has claimed but most likely has relied on anecdotes and baseless reports of the press or on the false stories of opponents. It must be mentioned that there are a few points which are accurate, such as the killing and detention of military personnel, the collection of arms and the temporary evacuation of some places. But the rest of the explanations and accusations are simply a vast propaganda which only provokes baseless prejudices and brainwashes the people. For example, he takes up matters such as: "With a Pashtun lady certain affairs were done".

The author has tried to adjust his novel-styled report to attract the attention of the reader.

And as to the suggestion that the opponents of the Islamic Emirate have obviously committed different crimes in various forms, has the author ever tried to explore those? When thousands of unarmed and peace-demanding Taliban were tortured with different means, where were these alert ears?

As far as the Islamic Emirate of Afghanistan is concerned, using two different attitudes in one concern and having two different views for the same phenomenon is not acceptable, and they are merely exaggerations for the sake of wide publicity. As to the Iranian intelligence agents, the information provided even goes beyond the jurisdiction of the investigation of the responsible committee. This is to make the Iranian authorities happy and conceal their intervention in Afghanistan.

In the report, there is a mention of China and Mongolia just for future exploitation purposes.

To illustrate the author's short-mindedness, it is enough to reject this unjust claim of his which states that Taliban kill even animals, women and children, or rape women. All of these accusations are baseless, and are only directed to disrespect Islam. They are useless efforts, and only the passage of time proves its falsehood. The world will necessarily find out the truth in the course of time.

Our only demand from the humanitarians of the world is to please heal the wounds of Afghans and don't make them worse.

IV. Conclusions and recommendations

A. Conclusions

6. The Special Rapporteur is horrified by the latest reports from Afghanistan, which are profoundly disturbing and indicate a worsening pattern of grave human rights violations.

He expresses particular shock and dismay at the killings and other violations that have taken place in August and September 1998, in particular in the areas of Mazar-I-Sharif and Bamyan, which have included summary executions and arbitrary detention of non-combatants. The Special Rapporteur condemns all types of human rights violations in the strongest terms, in particular the heinous acts affecting the inherent right to life that have taken place recently. There can be no justification or tolerance of such outrages and no impunity for their perpetrators, who must be brought to justice.

7. The suffering of the Afghan people has continued since the publication of the Special Rapporteur's most recent report. He would like to reiterate that silence cannot be the strategy of the international community. The scale of violations in Afghanistan and suffering of the civilian population warrants the urgent attention of the world community.

8. The Special Rapporteur also deplores the killing of United Nations staff in Afghanistan in July and August 1998, and expresses his condolences to their families.

B. Recommendations

9. The Special Rapporteur calls on all sides to put an immediate end to the armed conflict, to show restraint and respect for human rights, including the right to life and security of all persons, and to refrain forthwith from any acts that may constitute violations of human rights of both the civilian population and combatants, including those based on ethnicity and religion. He calls on all parties to respect international human rights, including the rights of women, and humanitarian law. All sides should respect all human rights of people living in the areas which they control, and should respect in particular their inherent right to life.

10. All non-combatants who are detained by any party should be released. The International Committee of the Red Cross should be given unhindered access to all prisoners and detainees. Prisoners should not be used as bargaining chips, and all non-criminal prisoners should be released.

11. Restrictions placed on women and girls by the Taliban authorities should be lifted.

12. The international community should remain vigilant about respect for human rights in Afghanistan. The United Nations should undertake to monitor more closely and systematically report on the situation of human rights in Afghanistan through an enhanced human rights presence in the field.

13. The United Nations should create greater awareness and knowledge about international human rights, including gender awareness, by establishing a human rights advisory capacity in the field.

14. The United Nations should investigate the grave violations of human rights which have taken place in Afghanistan, including reports of mass killings.

15. The Special Rapporteur recommends that aerial photographs be taken of reported sites of mass graves in Afghanistan.

16. The Special Rapporteur calls on all parties in the conflict to cooperate fully with a neutral and objective investigation into violations of human rights.

17. Those found responsible for the grave human rights violations committed in 1997 and 1998 should be brought to justice in keeping with international standards of a fair trial.

18. The Special Rapporteur believes that the most effective way of preventing violations of human rights is for all sides to exercise maximum restraint, resolve disputes peacefully and establish the rule of law. They should endeavour to implement a genuine process of national reconciliation and peace-building.